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Army Corps revokes some Clinton-era restrictions on developers in wetlands areas

Tuesday, January 15, 2002
By John Heilprin, Associated Press

WASHINGTON — The Bush administration on Monday revoked some requirements imposed on developers during the Clinton presidency, including one requiring them to restore or create an acre of wetlands for every acre they fill.

The Army Corps of Engineers issued regulations Monday allowing developers to seek "nationwide permits" that would allow speedy government approval of their projects if their impact on streams or marshes is considered minimal.

The agency characterized its new rules as minor adjustments to the policy approved during the last year of the Clinton administration. Left in place, for example, was a requirement that developers get a permit from the corps for any project involving more than a half-acre of wetlands. Until 2000, developers had only to get government approval if more than three acres of wetlands were affected.

John Studt, chief of the Army Corps of Engineers' regulatory branch, said the new permit requirements "will do a better job of protecting aquatic ecosystems while simplifying some administrative burdens for the regulated public."

However, the corps rescinded a requirement that no more than 300 linear feet along any stream could be filled. Now the agency can issue a waiver allowing a developer to fill up to a half-acre of any stream that doesn't flow year-round. For example, a stream eight feet wide that dries up during a portion of the year could be filled for up to a half-mile.

Conservationists were alarmed.

Julie Sibbing, a wetlands expert for the National Wildlife Federation, said the new regulations will allow more wetland areas to be paved over. "These permits certainly signal the end of 'no net loss' as a policy of the United States," she said.

The corps also revoked some restrictions on development in flood plains.

It said it also will require a written determination by a district engineer that disposal of coal-mining wastes in wetlands results in minimal impact, and that any such fill be replaced with new wetlands elsewhere.

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